IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3014 OF 2005

St. Xavier Bachav Kruti Samiti.. ... Petitioner.

Versus

State of Maharashtra & Others... ... Respondents.

Mr. Harshal N. Mirashi for the Petitioner.

Mr. N.P.Pandit, AGP for Respondent Nos.1 and 3.

Mrs. P. A. Purandare for Respondent No.1.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 19TH JULY, 2006.

P.C. :

By means of this writ petition, the petitioner seeks to challenge the allotment of the ground situated at Dadar Naigaon Ward to respondent No.5 on adoption basis and other ancillary reliefs. Reply affidavit has been filed by the Municipal Corporation for Greater Mumbai. It is stated that originally the said ground was in possession of some private person and the same was taken over by the Corporation for promoting various sports. Respondent No.5, Mumbai District Football Association, is a registered organisation and it is capable of running activities at the ground smoothly and accordingly the said ground has been allotted to respondent No.5 for the purposes of sports alone and no other activities are allowed in the said ground. It is

also stated that the said ground is used by various Schools for athletics and sports. The stadium is being constructed there in accordance with the plan prepared by the Dy. Chief Engineer (P&D). 400 mtrs. jogging track has been preserved to promote Athletics and the stadium shall not come in the 400 mtrs. running alignment.

2. In view thereof, we are satisfied that allotment of the subject ground to respondent No.5 on adoption basis cannot be said to be improper or arbitrary.

3. As regards the unauthorised construction where canteen is being run, it is stated that as soon as the construction of stadium is over, the canteen shall be demolished. We accept the statement made in para 2(g) of the reply affidavit.

4. The other grievances raised by the petitioner are wholly misconceived and misplaced. Writ Petition (PIL) is dismissed in limine.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)